

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner rejects the claim under 35 U.S.C. 112, first paragraph. Favorable reconsideration and allowance of the application is requested in view of the foregoing remarks which follow.

Drawings

Applicant hereby files a substitute drawing. The colors depicted on the photograph have been verified to match those colors as described in the specification. The colors are as true as is reasonably possible with color reproductions of this nature.

Requirement for Information Under 37 CFR 1.105

Applicants confirm, in good faith, that the instant plant, 'Corso', was not sold, nor made publicly available anywhere in the world more than one year prior to the U.S. filing date of March 9, 2000.

The instant plant is the subject of Plant Breeder's Rights grant no. 019237 in The Netherlands, granted June 16, 2000. The application denomination was published in the Dutch Plant Variety Right's Gazette on November 16, 1999.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized

Atty. Dkt. No. 082671-0118
Serial No. 09/521,884

to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: March 17, 2004

FOLEY & LARDNER LLP
Customer Number: 22428



22428

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